

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CRYSTAL BYRD and BRIAN BYRD,)
Individually, and on Behalf of all)
Similarly Situated Persons,)
Plaintiffs,) Civil No. 1:11-cv-101-SPB
vs.)
AARON'S, INC.,)
ASPEN WAY ENTERPRISES, INC.,)
d/b/a Aaron's Sales and Leasing,)
a franchisee of AARON'S)
FRANCHISEES; and)
DESIGNERWARE, LLC,)
Defendants.)

STIPULATION AND ORDER

It is hereby stipulated and agreed by and among Plaintiffs Crystal Byrd and Brian Byrd and Aaron's, Inc., subject to the approval of the Court, as follows:

1. Plaintiffs allege that Aaron's, Inc. and the other Defendants have secretly installed a spying device and/or software on Aaron's purchased, leased, rented or rent-to-own laptop and desktop computers ("Computers") and that the device and/or software, including PC Rental Agent, permitted Aaron's to remotely and without authorization access, monitor, intercept and/or transmit electronic communications, including, but not limited to, images of monitors or screens, keystrokes, and images captured by the Computers' cameras. ("Alleged Conduct")

2. Aaron's, Inc. expressly denies that any of its company-owned stores have engaged in the Alleged Conduct. Aaron's states that it values its customers' right to privacy and rejects the assertions made by Plaintiffs. Aaron's, Inc. further states that it has no contractual relationship with co-defendant DesignerWare, LLC. Nevertheless,

Aaron's, Inc. states that it has not installed and agrees that, it will not install devices, hardware and/or software on Aaron's, Inc.'s purchased, leased, rented or rent-to-own Computers, including any device and/or software such as PC Rental Agent, that would enable Aaron's Inc. to engage in the Alleged Conduct.

3. Consistent with the Federal Rules of Civil Procedure, Aaron's, Inc. shall preserve all evidence that may be relevant to this action, including documents, data and tangible things in its possession, custody, or control, including materials reasonably anticipated to be subject to discovery in this action.

4. The parties acknowledge and agree that a protocol is required regarding the preservation of relevant data that may exist on Computers that may be returned to Aaron's, Inc.'s stores. Aaron's Inc. advises it has worked with a third-party consultant and that Aaron's, Inc. has developed and implemented such a protocol. Aaron's, Inc. agrees to provide Plaintiffs with the details of the protocol developed by Aarons, Inc., including the computer query applied to determine whether the PC Rental Agent software has been installed on any such Computers. Plaintiffs have not yet approved or passed judgment on the protocol developed by Aaron's Inc. and reserve all rights with respect to any such protocol. Plaintiffs have specific concerns about Aaron's, Inc.'s protocol and therefore counsel for Plaintiffs and Aaron's Inc. will meet and confer about the protocol in a good faith attempt to address any such concerns. If that meet and confer process is ultimately unsuccessful, then Plaintiffs reserve the right to raise any issues with the Court as appropriate.

5. Aaron's, Inc., including its officers and employees, states that it has not engaged in the Alleged Conduct and consents and agrees that it will not engage in the Alleged Conduct.

6. By entering into this Stipulation Aaron's, Inc. does not waive, but instead expressly preserves, any arguments with respect to the scope of permissible discovery under the Federal Rules of Civil Procedure.

SO ORDERED this ____ day of May, 2011.

STIPULATED TO:

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